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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
087722,345	09/27/96	WATKINS	L

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32M1/1222

EXAMINER	
FIDEI, D	
ART UNIT	PAPER NUMBER
3208	8

DATE MAILED: 12/22/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS

Washington, D.C. 20231

Paper No. 6

Application Number: 08/722,345
Filing Date: September 27, 1996
Applicant: Lisa Watkins

Reply to Applicant's Informal Response

The letter dated November 17, 1997 by applicant has been received. It is noted that applicant has requested assistance. Assistance cannot be provided until the fees necessary to keep the application pending have been paid. The Patent and Trademark Office cannot offer financial assistance. Additionally, prosecution in the present application can not proceed until a complete response, as defined by 37 C.F.R. §1.111¹, is provided in a timely fashion. To be considered

¹§ 1.111 **Reply by applicant or patent owner.**

(a) After the Office action, if adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply thereto and may request reconsideration or further examination, with or without amendment.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must (emphasis added) make request therefor in writing. The reply by the applicant or patent owner must (emphasis added) distinctly and specifically point out the supposed errors in the examiner's action and must (emphasis added) respond to every ground of objection and rejection in the prior Office action. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must (emphasis added) appear throughout to be a bona fide attempt to advance the case to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not (emphasis added) comply with the requirements of this section.


(c) In amending in response to a rejection of claims in an application or patent undergoing

Art Unit: 3208

timely applicant must request an extension of time and include the appropriate fee (as defined in 37 C.F.R. §1.136(a)). The previous communication from the undersigned Examiner set forth the fee schedule for applicant's benefit.

Only at after such time that the above requirements have been met can the Examiner offer any assistance in claim drafting. And this is offered only when it is apparent a pending application contains allowable subject matter. Absence of a timely filed response, as defined herein, will cause the present application to become abandoned.

dtf
October 30, 1997


DAVID T. FIDEI
PRIMARY EXAMINER
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reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. (See § 1.135 and § 1.136 for time for reply.)

[46 FR 29182, May 29, 1981]